

107TH CONGRESS
1ST SESSION

H. R. 2479

To ratify an agreement between The Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2001

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ratify an agreement between The Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) Adak Island is an isolated island located
6 1,200 miles southwest of Anchorage, Alaska, be-

1 tween the Pacific Ocean and the Bering Sea. The is-
2 land, with its unique physical and biological fea-
3 tures, including a deepwater harbor and abundant
4 marine-associated wildlife, was recognized early for
5 both its natural and military values. In 1913, Adak
6 Island was reserved and set aside as a preserve be-
7 cause of its value to seabirds, marine mammals, and
8 fisheries. Withdrawals of portions of Adak Island for
9 various military purposes date back to 1901 and cul-
10 minated in the 1959 withdrawal of approximately
11 half of the island for use by the Department of the
12 Navy for military purposes.

13 (2) By 1990, military development on Adak Is-
14 land supported a community of 6,000 residents.
15 Outside of the Adak Naval Complex, there was no
16 independent community on Adak Island.

17 (3) As a result of the Defense Base Closure and
18 Realignment Act of 1990 (104 Stat. 1808), the
19 Adak Naval Complex has been closed by the Depart-
20 ment of Defense.

21 (4) The Aleut Corporation is an Alaskan Native
22 Regional Corporation incorporated in the State of
23 Alaska pursuant to the Alaska Native Claims Settle-
24 ment Act (43 U.S.C. 1601 et seq.). The Aleut Cor-
25 poration represents the indigenous people of the

1 Aleutian Islands who prior to the Russian explo-
2 ration and settlement of the Aleutian Islands were
3 found throughout the Aleutian Islands, which in-
4 cludes Adak Island.

5 (5) None of Adak Island was available for selec-
6 tion by The Aleut Corporation under section
7 14(h)(8) of the Alaska Native Claims Settlement Act
8 (43 U.S.C. 1613(h)(8)) because it was part of a na-
9 tional wildlife refuge and because the portion com-
10 prising the Adak Naval Complex was withdrawn for
11 use by the United States Navy for military purposes
12 prior to the passage of the Alaska Native Claims
13 Settlement Act in December 1971.

14 (6) The Aleut Corporation is attempting to es-
15 tablish a community on Adak and has offered to ex-
16 change Alaska Native Claims Settlement Act land
17 selections and entitlements for conveyance of certain
18 lands and interests therein on a portion of Adak for-
19 merly occupied by the Navy.

20 (7) Removal of a portion of the Adak Island
21 land from refuge status will be offset by the acquisi-
22 tion of high-quality wildlife habitat in other Aleut
23 Corporation selections within the Alaska Maritime
24 National Wildlife Refuge, maintaining a resident
25 human population on Adak to control caribou, and

1 making possible a continued United States Fish and
2 Wildlife Service presence in that remote location to
3 protect the natural resources of the Aleutian Islands
4 Unit of the Alaska Maritime National Wildlife Ref-
5 uge.

6 (8) It is in the public interest to promote reuse
7 of the Adak Island lands by exchanging certain
8 lands for lands selected by The Aleut Corporation
9 elsewhere in the Alaska Maritime National Wildlife
10 Refuge. Experience with environmental problems as-
11 sociated with formerly used defense sites in the
12 State of Alaska suggests that the most effective and
13 efficient way to avoid future environmental problems
14 on Adak is to support and encourage active reuse of
15 Adak.

16 **SEC. 2. RATIFICATION OF AGREEMENT.**

17 The document entitled the “Agreement Concerning
18 the Conveyance of Property at the Adak Naval Complex”
19 (hereinafter referred to as the “Agreement”), and dated
20 September 20, 2000, executed by The Aleut Corporation,
21 the Department of the Interior, and the Department of
22 the Navy, together with any technical amendments or
23 modifications to the boundaries that may be agreed to by
24 the parties, is hereby ratified, confirmed, and approved
25 and the terms, conditions, procedures, covenants, reserva-

1 tions, indemnities and other provisions set forth in the
2 Agreement are declared to be obligations and commit-
3 ments of the United States as a matter of Federal law.
4 Modifications to the maps and legal descriptions of lands
5 to be removed from the National Wildlife Refuge System
6 within the military withdrawal on Adak Island set forth
7 in Public Land Order 1949 may be made only upon agree-
8 ment of all Parties to the Agreement and notification
9 given to the Committee on Resources of the House of Rep-
10 resentatives and the Committee on Energy and Natural
11 Resources of the Senate. The acreage conveyed to the
12 United States by The Aleut Corporation under the Agree-
13 ment, as modified, shall be at least 36,000 acres.

14 **SEC. 3. REMOVAL OF LANDS FROM REFUGE.**

15 Effective on the date of conveyance to the Aleut Cor-
16 poration of the Adak Exchange Lands as described in the
17 Agreement, all such lands shall be removed from the Na-
18 tional Wildlife Refuge System and shall neither be consid-
19 ered as part of the Alaska Maritime National Wildlife Ref-
20 uge nor subject to any laws pertaining to lands within the
21 boundaries of the Alaska Maritime National Wildlife Ref-
22 uge. The conveyance restrictions imposed by section 22(g)
23 of the Alaska Native Claims Settlement Act (43 U.S.C.
24 1621(g)) for land in the National Wildlife Refuge System
25 shall not apply. The Secretary shall adjust the boundaries

1 of the Refuge so as to exclude all interests in lands and
2 land rights, surface and subsurface, received by The Aleut
3 Corporation in accordance with this Act and the Agree-
4 ment.

5 **SEC. 4. ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

6 Lands and interests therein exchanged and conveyed
7 by the United States pursuant to this Act shall be consid-
8 ered and treated as conveyances of lands or interests
9 therein under the Alaska Native Claims Settlement Act,
10 except that receipt of such lands and interests therein
11 shall not constitute a sale or disposition of land or inter-
12 ests received pursuant to such Act. The public easements
13 for access to public lands and waters reserved pursuant
14 to the Agreement are deemed to satisfy the requirements
15 and purposes of section 17(b) of the Alaska Native Claims
16 Settlement Act.

17 **SEC. 5. REACQUISITION OF LANDS.**

18 The Secretary of the Interior is authorized to acquire
19 by purchase or exchange, on a willing seller basis only,
20 any land conveyed to The Aleut Corporation under the
21 Agreement and this Act. In the event any of the lands
22 are subsequently acquired by the United States, they shall
23 be automatically included in the Refuge System. The laws
24 and regulations applicable to refuge lands shall then apply

1 to these lands and the Secretary shall then adjust the
2 boundaries accordingly.

3 **SEC. 6. GENERAL PROVISIONS.**

4 (a) CONVEYANCE OF NAVY PERSONAL PROPERTY.—
5 Notwithstanding any other provision of law, and for the
6 purposes of the transfer of property authorized by this
7 Act, Department of Navy personal property that remains
8 on Adak Island is deemed related to the real property and
9 shall be conveyed by the Department of the Navy to The
10 Aleut Corporation, at no additional cost, when the related
11 real property is conveyed by the Department of the Inte-
12 rior.

13 (b) ADDITIONAL CONVEYANCE.—The Secretary of
14 the Interior shall convey to the Aleut Corporation those
15 lands identified in the Agreement as the former landfill
16 sites without charge to the Aleut Corporation's entitle-
17 ment under the Alaska Native Claims Settlement Act.

18 (c) VALUATION.—For purposes of section 21(c) of
19 the Alaska Native Claims Settlement Act, the receipt of
20 all property by The Aleut Corporation shall be entitled to
21 a tax basis equal to fair value on date of transfer. Fair
22 value shall be determined by replacement cost appraisal.

23 (d) CERTAIN PROPERTY TREATED AS NOT DEVEL-
24 OPED.—Any property, including, but not limited to, ap-
25 purtenances and improvements, received pursuant to this

1 Act shall, for purposes of section 21(d) of the Alaska Na-
2 tive Claims Settlement Act and section 907(d) of the Alas-
3 ka National Interest Lands Conservation Act be treated
4 as not developed until such property is actually occupied,
5 leased (other than leases for nominal consideration to pub-
6 lic entities) or sold by The Aleut Corporation, or, in the
7 case of a lease or other transfer by The Aleut Corporation
8 to a wholly owned development subsidiary, actually occu-
9 pied, leased, or sold by the subsidiary.

10 (e) CERTAIN LANDS UNAVAILABLE FOR SELEC-
11 TION.—Upon conveyance to The Aleut Corporation of the
12 lands described in Appendix A of the Agreement, the lands
13 described in Appendix C of the Agreement will become un-
14 available for selection under the Alaska Native Claims Set-
15 tlement Act.

16 (f) MAPS.—The maps included as part of Appendix
17 A to the Agreement depict the lands to be conveyed to
18 The Aleut Corporation. The maps are on file at the Region
19 7 Office of the United States Fish and Wildlife Service
20 and the offices of the Alaska Maritime National Wildlife
21 Refuge in Homer, Alaska. The written legal descriptions
22 of the lands to be conveyed to The Aleut Corporation are
23 also part of Appendix A. In case of discrepancies, the
24 maps shall control.

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